

IRENE AND HOWARD HAMBURGER (“Plaintiffs”), by and through their attorneys, KIMMEL & SILVERMAN, P.C., allege the following against NORTHLAND GROUP, INC. (“Defendant”):

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA").

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising  
2 under the laws of the United States.

3 3. Defendant conducts business in the Commonwealth of Pennsylvania;  
4 as such, personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. §1391(b)(2).

6  
7 **PARTIES**

8 5. Plaintiffs are each a natural person residing in Nanticoke,  
9 Pennsylvania 18634.

10 6. Plaintiffs are persons granted a cause of action under the FDCPA.  
11 See 15 U.S.C. § 1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687  
12 (E.D. Pa. Dec. 22, 2000).

13 7. Defendant is a national debt collection company with its corporate  
14 headquarters located at 7831 Glenray Road, Suite 250, Edina, Minnesota 55439.

15 8. Defendant is a “debt collector” as that term is defined by 15 U.S.C.  
16 §1692a(6), and repeatedly contacted Plaintiffs in its attempts to collect a debt.

17 9. Defendant acted through its agents, employees, officers, members,  
18 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
19 representatives, and insurers.

20  
21 **FACTUAL ALLEGATIONS**

22 10. At all relevant times, Defendant was attempting to collect an alleged  
23

1 consumer debt and repeatedly contacted Plaintiffs in its attempts to collect that  
2 debt.

3  
4 11. Upon information and belief, the alleged debt at issue arose out of  
5 transactions, which were primarily for personal, family, or household purposes.

6 12. Beginning in January 2013, and continuing through April 2013,  
7 Defendant continuously and repeatedly contacted Plaintiffs on their home  
8 telephone in an attempt to collect a consumer debt.

9  
10 13. Plaintiff knew it was Defendant calling because they received  
11 automated messages and spoke with Defendants' debt collectors on numerous  
12 occasions.

13  
14 14. Defendant called nearly every day, and on occasion more than once in  
15 a single day.

16 15. Defendant attempted in those calls to collect a debt of an individual  
17 named "Henry."

18  
19 16. Neither Plaintiff is named Henry nor do they know an individual by  
20 that name.

21 17. On multiple occasions, Plaintiffs spoke with Defendant's collectors,  
22 including an individual who identified himself as "Mr. Vega".

23  
24 18. Mr. Vega was informed that Defendant was seeking a third party  
25 "Henry," that no one by that name lived at the called number, and to stop calling.

1           19. For reasons which appear to be calculated not to heed the information  
2 provided but rather to harass, Defendant's calls to Plaintiffs continued.

3           20. Plaintiffs aver that Defendant did not investigate the information  
4 provided by Plaintiffs and had no information to contradict what it was told by  
5 them.  
6

7           21. Nevertheless, Defendant persisted in calling about a debt of a person  
8 named "Henry."  
9

10          22. Further, on numerous occasions, Plaintiffs went above and beyond  
11 what was reasonable and necessary to stop the calls, including patiently navigating  
12 the layered computer menu prompts of Defendant's telephone, so Defendant's  
13 records would be updated and their number removed from the calling queue.  
14 Despite this, they continued to receive Defendant's collection calls.  
15

16          23. To restate, Defendant placed automated collection calls to Plaintiffs,  
17 who were third parties to a debt, Defendant's telephone included instructions on  
18 how third parties can stop the calls, but Defendant failed to update its records to  
19 avoid additional calls from being made.  
20

21          24. Most recently, Defendant contacted Plaintiffs on April 1, 2013, at  
22 9:00 a.m. and April 2, 2013, at 6:10 p.m.  
23

24          25. On both occasions, Defendant's collectors claimed that Plaintiffs'  
25 telephone numbers would be removed, but calls continued.

1       26. Defendant's conduct was for no lawful purpose and completely  
2 unwarranted.

3       27. By continuously calling and by failing to update records to avoid  
4 further harassment, Defendant engaged in conduct which had the natural  
5 consequences of harassing the recipients.  
6

7       28. Upon information and belief, information was readily available to  
8 Defendant, and/or was available in the public domain, revealing that the number  
9 called either belonged to someone who was not their debtor, or in fact identified  
10 Plaintiffs by name, giving Defendant reason to know it was calling persons who  
11 were not the debtor.  
12

13       29. Upon information and belief, Defendant had motives which were in  
14 bad faith and with reckless indifference to the rights of others by continuously  
15 calling about another person's debt.  
16

17       30. Defendant knew, or should have known, that it was calling persons  
18 for the debt of another, without good faith, with the intent to disrupt Plaintiffs'  
19 solitude and to annoy, abuse and harass them for potential financial gain.  
20

21       31. Defendant's calls caused distress, embarrassment, humiliation,  
22 disruption and other damages and consequences.  
23

24       32. The repetitive calls were aggravating and highly intrusive.

25       33. Plaintiffs have spent time and effort dealing with these calls and in

1 trying to get Defendant to update its records, but their efforts were unsuccessful.

2  
3 **DEFENDANT VIOLATED THE**  
4 **FAIR DEBT COLLECTION PRACTICES ACT**

5 **COUNT I**

6 34. Defendant's conduct, detailed in the preceding paragraphs, violated 15  
7 U.S.C. § 1692b(3).

8  
9 a. Section 1692b(3) of the FDCPA prohibits a debt collector from  
10 communicating with any person other than a consumer more  
11 than once unless requested to do so by such person or unless  
12 the debt collector reasonably believes that the earlier response  
13 of such person is erroneous or incomplete and that such person  
14 now has correct or complete location information.

15  
16 b. Here, Defendant violated §1692b(3) of the FDCPA by  
17 communicating with Plaintiffs more than once about another  
18 person's debt, despite having been notified that it was calling  
19 the wrong person.  
20

21 **COUNT II**

22  
23 35. Defendant's conduct, as detailed in the preceding paragraphs, violated  
24 15 U.S.C. §1692c(a)(1).

25 a. A debt collector violates §1692c(a)(1) of the FDCPA by

1 communicating with the consumer at any unusual time or place  
2 or a time or place known or which should be known to be  
3 inconvenient to the consumer, including communication  
4 between a debt collector and consumer prior to 8:00 a.m. or  
5 after 9:00 p.m.  
6

- 7 b. Here, Defendant violated §1692c(a)(1) of the FDCPA by  
8 placing numerous collection calls to Plaintiffs at their home  
9 residence about another individual's debt, which was an  
10 inconvenient place for Plaintiffs to receive collection calls for  
11 another individual.  
12  
13

### 14 **COUNT III**

15 36. Defendant's conduct, as detailed in the preceding paragraphs, violated  
16 15 U.S.C. §§1692d and 1692d(5).  
17

- 18 a. A debt collector violates §1692d of the FDCPA by engaging  
19 in conduct of the natural consequence of which is to harass,  
20 oppress, or abuse any person in connection with the collection  
21 of a debt.  
22  
23 b. A debt collector violates §1692d(5) of the FDCPA by causing a  
24 telephone to ring or engaging any person in telephone  
25 conversation repeatedly or continuously with intent to annoy,

1 abuse, or harass any person at the called number.

- 2 c. Here, Defendant violated §§1692d and 1692d(5) of the FDCPA  
3 by calling Plaintiffs nearly every day, sometimes calling twice  
4 a day, about another person's debt with the intent to annoy,  
5 abuse, and harass Plaintiffs into paying the debt.  
6

7 **COUNT IV**

8  
9 37. Defendant's conduct, as detailed in the preceding paragraphs, violated  
10 15 U.S.C. §1692f.

- 11 a. A debt collector violates §1692f of the FDCPA by using unfair  
12 or unconscionable means to collect or attempt to collect any  
13 debt.  
14

- 15 a. Here, Defendant violated §1692f of the FDCPA by failing to  
16 update its records to stop the collection calls to Plaintiff.  
17

18 **INVASION OF PRIVACY**  
19 **COUNT V**  
**Intrusion Upon Seclusion**

20 38. Plaintiffs hereby incorporate all facts and allegations specified in all  
21 preceding paragraphs, by reference as if fully set forth at length.  
22

23 39. By repeatedly calling Plaintiffs, intentionally harassing Plaintiffs, and  
24 calling Plaintiffs after having been told to stop calling; Defendant has repeatedly  
25



1 and intentionally intruded upon the solitude or seclusion of Plaintiffs' private  
2 affairs.

3 40. The receipt of repetitive collection calls for another person as a result  
4 of Defendant's collection tactics is highly offensive to a reasonable person.  
5

6 41. Defendant has and continued to call Plaintiffs for another person's  
7 debt. Despite being advised that it was calling the wrong person, Defendant did  
8 not take any necessary steps to remedy this problem, including ceasing to call  
9 Plaintiffs' number.  
10

11 42. Defendant's intrusion was intentional or committed with reckless  
12 disregard to Plaintiffs' rights.  
13

14 43. As a result of Defendant's action or inaction, Plaintiffs have been  
15 damaged.  
16

17 44. Defendant's intrusion would cause mental suffering, shame or  
18 humiliation to any person of ordinary sensibilities.

19 45. Plaintiffs did in fact take serious offense to Defendant's intrusion into  
20 their solitude, resulting in extreme embarrassment, shame and humiliation.

21 46. Plaintiffs have suffered and continue to suffer damages as a direct and  
22 proximate result of Defendant's unlawful conduct complained of herein.  
23

24 47. The continuous and repeated collection calls to Plaintiffs were  
25 harassing, aggravating and highly intrusive.

1 WHEREFORE, Plaintiffs, IRENE AND HOWARD HAMBURGER,  
2 respectfully pray for a judgment as follows:

- 3 a. All actual damages suffered pursuant to 15 U.S.C. §1692k(a)(1)  
4 and Pennsylvania common law;  
5  
6 b. Statutory damages of \$1,000.00 for the violation of the FDCPA  
7 pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
8  
9 c. All reasonable attorneys' fees, witness fees, court costs and  
10 other litigation costs incurred by Plaintiffs pursuant to 15  
11 U.S.C. § 1693k(a)(3);  
12  
13 d. Punitive damages for Defendant's invasion of Plaintiffs'  
14 privacy; and  
15 e. Any other relief deemed appropriate by this Honorable Court.

16 **DEMAND FOR JURY TRIAL**

17 PLEASE TAKE NOTICE that Plaintiffs, IRENE AND HOWARD  
18 HAMBURGER, demand a jury trial in this case.  
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21  
22  
23  
24  
25

RESPECTFULLY SUBMITTED,

Date:

By: \_\_\_\_\_

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